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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,116	08/18/2003	Harry E. Emerson	2003-5	3531

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EXAMINER

LIANG, REGINA

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/643,116

Applicant(s)

EMERSON, HARRY E.

Examiner

Regina Liang

Art Unit

2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is responsive to amendment filed 9/12/05. Claims 1-10 are pending in this application.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-10 taken as a whole is directed merely to a computer software program recited as being a computer software operating in an environment of a computer system as a whole and nothing more. Thus, taken as a whole, the scope of claims 1-10 amounts to merely a computer software program, without any computer-readable medium executable by a computer to realize the potential functionality of the program.

#### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 5 are confusing since it is not understood who a computer software comprise “means” which are physical elements.

***Claim Rejections - 35 USC § 103***

7. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al (US. PAT. NO. 6,748,468 hereinafter Bates) in view of Kang et al (US. PAT. NO. 6,160,555 hereinafter Kang).

As to claims 1, 9, Figs. 1 and 2 of Bates discloses a computer system comprising a keyboard (15) and a CAPS LOCK (20), a mouse, a display screen (14), a mouse pointer (not shown, but it is inherent the system having a mouse pointer controlled by the mouse), the computer system operating in CAPS LOCK mode when the CAPS LOCK key is activated, wherein the CAPS LOCK mode causes typed alphabetic characters to be presented on-screen in capital letters (col. 2, line 62 to col. 3, line 3). Bates also teaches when the Caps Lock key is in an error state, the computer system has indications (visual, auditory, or tactile) to indicate the Caps Lock key is in an error state.

Bates does not disclose the mouse pointer has one design when the mouse pointer position is over a region for user text input and the computer system is not in the CAPS LOCK mode, the mouse pointer has a second design when the mouse pointer is over a region for user text input and the computer system is in the CAPS LOCK mode.

However, Figs. 1-3 of Kang teaches a computer system having a cursor (pointer) on a display screen, the cursor has one design (normal cursor 16) when the cursor position is over a region for user text input and the computer system is not in the CAPS LOCK mode, the cursor has a second design (Caps Lock cursor 36) when the cursor is over a region for user text input and the computer system is in the CAPS LOCK mode (see col. 3, line 61 to col. 4, line 9 of Kang for example). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the computer system of Bates to have a second cursor design when the cursor is over a region for user text input and the computer system is in the CAPS LOCK mode since this provides the user with a visual cue or indication of the character mode change and status while allowing the user to maintain visual focus on the text cursor position (col. 3, lines 50-52 of Kang).

As to claims 5, 10, note the discussion of claim 1 above. Kang also teaches the cursor is a text insertion cursor or an on-screen text insertion cursor for inserting the text on the display screen.

As to claims 2-4, 6-8, Kang teaches the operation of the cursor display (computer software) is implemented in an operating system, an application program or an add-in module (col. 3, lines 28-442; col. 6, lines 34-45).

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*


9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard, can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Regina Liang  
Primary Examiner  
Art Unit 2674

10/28/05